

HOUSE BILL 1414

Unofficial Copy
M1

2004 Regular Session
(4r0616)

ENROLLED BILL

-- Environmental Matters and Appropriations/Education, Health, and Environmental Affairs --

Introduced by **Delegate Conway (Department of Natural Resources Special Funds Workgroup)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources - Administration of Special Funds and**
3 **Accounts**

4 FOR the purpose of establishing certain administrative provisions for certain special
5 funds and accounts that are under the authority of the Department of Natural
6 Resources; specifying the disposition of any unspent balances and investment
7 earnings of certain special funds and accounts administered by the Department;
8 specifying and clarifying the purposes of, accounting procedures for, financing
9 for, authorized uses of, and investment and disbursement standards for certain
10 special funds and accounts administered by the Department; establishing the
11 State Boat Act Fund; establishing certain administrative provisions for the
12 State Boat Act Fund; correcting a certain cross-reference; making certain
13 stylistic changes and technical corrections; defining certain terms; and generally
14 relating to administrative provisions for special funds and accounts that are
15 under the authority of the Department of Natural Resources.

16 BY repealing and reenacting, with amendments,

1 Article - Natural Resources
 2 Section 1-702, 3-302, 4-208, 4-209, 5-103(d) and (e), 5-209(b), 5-212, 5-212.1,
 3 5-215, 5-307, 5-908, 5-908.1, 5-909, 5-1610, 8-723, 8-1005, 10-209, and
 4 10-301(n)
 5 Annotated Code of Maryland
 6 (2000 Replacement Volume and 2003 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Natural Resources**

10 1-702.

11 (a) IN THIS SECTION, "FUND" MEANS THE STATE CHESAPEAKE BAY AND
 12 ENDANGERED SPECIES FUND.

13 (B) There is a State Chesapeake Bay and Endangered Species Fund.

14 [(b)] (C) (1) The net proceeds from contributions under the income tax
 15 checkoff system ~~and~~, any other donations to the Fund, ~~AND INVESTMENT~~
 16 ~~EARNINGS OF THE FUND~~ shall be credited to the Fund.

17 (2) The Secretary shall administer the Fund.

18 (3) The Fund shall be used only as provided in §§ 1-703 through 1-705 of
 19 this subtitle.

20 (4) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
 21 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

22 (5) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
 23 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

24 (6) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
 25 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
 26 ~~REMAIN IN THE FUND~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

27 (7) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
 28 ACCORDANCE WITH THE STATE BUDGET.

29 [(c)] (D) The Fund shall be maintained for the purposes stated in this subtitle
 30 and unspent portions of the Fund shall remain in the Fund and may not revert to the
 31 General Fund of the State.

32 [(d)] (E) Moneys expended from the Fund for the Chesapeake Bay Trust and
 33 Endangered Species Conservation Programs are supplemental and are not intended
 34 to take the place of funding that would otherwise be appropriated to the Department
 35 of Natural Resources for the Trust or for those Programs.

1 3-302.

2 (a) There is an Environmental Trust Fund. For the purpose of this subtitle,
3 there is established as an added cost of electricity distributed to retail electric
4 customers within the State, an environmental surcharge per kilowatt hour of electric
5 energy distributed in the State to be paid by any electric company as defined in §
6 1-101 of the Public Utility Companies Article. The Public Service Commission shall
7 impose the surcharge per kilowatt hour of electric energy distributed to retail electric
8 customers within the State and shall authorize the electric companies to add the full
9 amount of the surcharge to retail electric customers' bills. To the extent that the
10 surcharge is not collected from retail electric customers, the surcharge shall be
11 deemed a cost of distribution and shall be allowed and computed as such, together
12 with other allowable expenses, for rate-making purposes. Revenues from the
13 surcharge shall be collected by the Comptroller and placed in the Fund.

14 (b) (1) The Secretary, in consultation with the Director of the Maryland
15 Energy Administration, annually shall coordinate the preparation of a budget
16 required to carry out the provisions of this subtitle. Upon approval of the budget by
17 the General Assembly, the Public Service Commission shall establish the amount of
18 the surcharge per kilowatt hour for the fiscal year beginning July 1, 1972, and for
19 each subsequent fiscal year.

20 (2) Notwithstanding any other provisions of this subtitle, the amount of
21 the surcharge for each account for each retail electric customer may not exceed the
22 lesser of 0.15 mill per kilowatt hour or \$1,000 per month and the surcharge may not
23 continue beyond fiscal year 2005.

24 (3) The Comptroller shall maintain the method of collection of the
25 surcharge from the companies and the collections shall accrue to the Fund. The
26 Department shall credit against the amount required to be paid into the
27 Environmental Trust Fund by each electric company an amount equal to 0.75% of the
28 total surcharge attributed to each company on the basis of the electricity distributed
29 within Maryland.

30 (c) The Secretary shall administer the Fund. The Fund is subject to the
31 provisions for financial management and budgeting established by the Department of
32 Budget and Management. ~~THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
33 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE. ANY~~
34 ~~INVESTMENT EARNINGS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO~~
35 ~~THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND ANY~~
36 ~~INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND~~
37 ~~OF THE STATE. ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL~~
38 ~~YEAR SHALL REVERT TO THE GENERAL FUND OF THE STATE. THE FUND IS A SPECIAL,~~
39 ~~NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND~~
40 ~~PROCUREMENT ARTICLE.~~ The moneys in the Fund shall be used to carry out the
41 provisions of this subtitle as provided for in the budget, except that 10% of all moneys
42 accruing to the Fund from July 1, 1978 through June 30, 1983 shall be used to
43 supplement funds necessary to carry out the duties of the People's Counsel of the
44 Public Service Commission. The People's Counsel shall submit an annual budget of

1 necessary supplemental funds to the Department to be incorporated in the
2 Department's budget. For the purposes of this subtitle, the Secretary, in consultation
3 with the Director of the Maryland Energy Administration, may execute appropriate
4 contracts with any State or federal agency, research organization, industry, or
5 academic institution to conduct the necessary research, construct or acquire, or both,
6 real property including physical predictive models, laboratories, buildings, land, and
7 appurtenances, or support the technological development of extraordinary systems
8 related to power plants designed to minimize environmental impact. The Secretary
9 may utilize available expertise in any other State unit in the development, execution,
10 and management of contracts and agreements on projects relating to their areas of
11 prime responsibility.

12 (d) (1) The Maryland Energy Administration shall receive administrative
13 and fiscal support from the Fund for studies relating to the conservation or
14 production of electric energy.

15 (2) Fiscal support to the Maryland Energy Administration from the
16 Fund may not exceed \$250,000 in any fiscal year.

17 (e) The Legislative Auditor shall conduct post audits of a fiscal and
18 compliance nature of the Fund and of the appropriations and expenditures made for
19 the purposes of this subtitle. The cost of the fiscal portion of the post audit
20 examinations shall be an operating cost of the Fund.

21 4-208.

22 [There is a State Fisheries Management and Protection Fund in the
23 Department. Any money received from any fish and fisheries license, stamp, permit,
24 or application fee as provided in this title, unless otherwise provided shall be credited
25 to the Fund and used only for the scientific investigation, protection, propagation, and
26 management of nontidal finfish.]

27 (A) IN THIS SECTION, "FUND" MEANS THE STATE FISHERIES MANAGEMENT
28 AND PROTECTION FUND.

29 (B) THERE IS A STATE FISHERIES MANAGEMENT AND PROTECTION FUND IN
30 THE DEPARTMENT.

31 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE SCIENTIFIC
32 INVESTIGATION, PROTECTION, PROPAGATION, AND MANAGEMENT OF NONTIDAL
33 FINFISH.

34 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

35 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
36 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

37 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
38 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

1 (F) THE FUND CONSISTS OF:

2 (1) ANY MONEY RECEIVED FOR A FISH AND FISHERIES LICENSE, STAMP,
3 PERMIT, OR APPLICATION FEE UNDER THIS TITLE, UNLESS OTHERWISE PROVIDED;
4 AND

5 (2) ANY INVESTMENT EARNINGS OF THE FUND.

6 (G) THE FUND MAY BE USED ONLY FOR THE SCIENTIFIC INVESTIGATION,
7 PROTECTION, PROPAGATION, AND MANAGEMENT OF NONTIDAL FINFISH.

8 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
9 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

10 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
11 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
12 REMAIN IN THE FUND.

13 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
14 WITH THE STATE BUDGET.

15 4-209.

16 (a) IN THIS SECTION, "FUND" MEANS THE FISHERIES RESEARCH AND
17 DEVELOPMENT FUND.

18 (B) There is a Fisheries Research and Development Fund in the Department.

19 [(b) Any money the State Comptroller receives under the provisions of this title
20 from commercial licenses, permits, and service fees, taxes, and royalties paid to the
21 State for oyster shells and clam shells removed from the bottom beneath the tidal
22 waters of the State, from the sale of seed oysters under § 4-1103 of this title, or any
23 source, together with any fine or forfeiture collected under § 4-1202 of this title, shall
24 be credited to the Fisheries Research and Development Fund.

25 (c) Subject to the limitations described in §§ 4-701(i), 4-1020, 4-1028 and
26 4-1035, the Fund shall be used for replenishing fisheries resources, related research,
27 and to match federal funds available for research and development of fisheries
28 resources.]

29 (C) THE PURPOSE OF THE FUND IS TO:

30 (1) FINANCE THE REPLENISHMENT OF FISHERIES RESOURCES AND
31 RELATED RESEARCH; AND

32 (2) MATCH FEDERAL FUNDS AVAILABLE FOR RESEARCH AND
33 DEVELOPMENT OF FISHERIES RESOURCES.

34 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

1 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
2 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
4 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

5 (F) THE FUND CONSISTS OF:

6 (1) ANY MONEY RECEIVED UNDER THIS TITLE FOR:

7 (I) COMMERCIAL LICENSES AND PERMITS;

8 (II) SERVICE FEES, TAXES, AND ROYALTIES PAID TO THE STATE
9 FOR OYSTER SHELLS AND CLAM SHELLS REMOVED FROM THE BOTTOM BENEATH
10 THE TIDAL WATERS OF THE STATE;

11 (III) THE SALE OF SEED OYSTERS UNDER § 4-1103 OF THIS TITLE;
12 AND

13 (IV) ANY FINE OR FORFEITURE COLLECTED UNDER § 4-1202 OF THIS
14 TITLE;

15 (2) ANY INVESTMENT EARNINGS OF THE FUND; AND

16 (3) MONEY RECEIVED FROM ANY OTHER SOURCE.

17 (G) SUBJECT TO §§ 4-701(N), 4-1020, 4-1028, AND 4-1035 OF THIS TITLE, THE
18 FUND MAY BE USED FOR:

19 (1) REPLENISHING FISHERIES RESOURCES AND RELATED RESEARCH;
20 AND

21 (2) MATCHING FEDERAL FUNDS AVAILABLE FOR RESEARCH AND
22 DEVELOPMENT OF FISHERIES RESOURCES.

23 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
24 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

25 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
26 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
27 REMAIN IN THE FUND.

28 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
29 WITH THE STATE BUDGET.

30 5-103.

31 (d) [(1)] If the constructing agency is unable to locate a sufficient amount of
32 State or other publicly owned land or available forest mitigation bank credits to
33 comply with the requirements of subsection (c) of this section, the constructing agency
34 shall contribute money, at the rate of 10 cents per square foot of the area of required

1 planting, to [a special fund to be maintained in the Department and to be known as]
2 the Reforestation Fund ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.

3 [(2) There is a Reforestation Fund in the Department.]

4 (e) [(1) Money deposited in the Reforestation Fund:

5 (i) Shall remain in the Fund until appropriated and spent; and

6 (ii) May not revert to the General Fund.

7 (2) (i) 1. Except as provided in item 2 of this subparagraph, the
8 Department shall use the Reforestation Fund solely to plant trees on State or other
9 publicly owned lands located in the county and watershed in which construction
10 projects giving rise to Fund contributions are located.

11 2. If reforestation cannot be reasonably accomplished in the
12 county and watershed in which the construction activity is located, then the
13 Department may use the Reforestation Fund to plant trees on State or other publicly
14 owned lands located in the county or in the watershed in the State in which the
15 construction activity is located, or to purchase credits in, establish, or maintain a
16 forest mitigation bank in the county or watershed in which the construction activity is
17 located in accordance with regulations of the Department. The Reforestation Fund
18 may not be used to finance administrative activities associated with a mitigation
19 bank and any credits created by the Reforestation Fund may not be sold to
20 compensate for additional forest impacts.

21 (ii) 1. The Department shall accomplish the reforestation for
22 which money is deposited in the Reforestation Fund within 1 year or 2 growing
23 seasons after project completion, as appropriate, after receipt of the money.

24 2. Money deposited in the Reforestation Fund under
25 subsection (d) of this section shall remain in the Fund for a period of 1 year or 2
26 growing seasons, and at the end of that time period, any portion that is not used to
27 meet the reforestation requirements shall be returned to the constructing agency.]

28 (1) IN THIS SUBSECTION, "FUND" MEANS THE REFORESTATION FUND.

29 (2) THERE IS A REFORESTATION FUND IN THE DEPARTMENT.

30 (3) THE PURPOSE OF THE FUND IS TO FINANCE THE PLANTING OF
31 TREES ON STATE OR OTHER PUBLICLY OWNED LANDS LOCATED IN THE COUNTY AND
32 WATERSHED IN WHICH CONSTRUCTION PROJECTS GIVING RISE TO FUND
33 CONTRIBUTIONS ARE LOCATED.

34 (4) THE DEPARTMENT SHALL ADMINISTER THE FUND.

35 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
36 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (II) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND
2 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

3 (6) THE FUND CONSISTS OF:

4 ~~(H) ANY ANY MONEY RECEIVED FROM CONTRIBUTIONS BY A~~
5 ~~CONSTRUCTING AGENCY UNDER SUBSECTION (D) OF THIS SECTION; AND~~

6 ~~(H) ANY INVESTMENT EARNINGS OF THE FUND.~~

7 (7) (I) THE FUND MAY BE USED ONLY TO:

8 1. PLANT TREES ON STATE OR OTHER PUBLICLY OWNED
9 LANDS LOCATED IN THE COUNTY AND WATERSHED IN WHICH CONSTRUCTION
10 PROJECTS GIVING RISE TO FUND CONTRIBUTIONS ARE LOCATED; OR

11 2. IF REFORESTATION CANNOT BE REASONABLY
12 ACCOMPLISHED IN THE COUNTY AND WATERSHED IN WHICH THE CONSTRUCTION
13 ACTIVITY IS LOCATED:

14 A. PLANT TREES ON STATE OR OTHER PUBLICLY OWNED
15 LANDS LOCATED IN THE COUNTY OR IN THE WATERSHED IN THE STATE IN WHICH
16 THE CONSTRUCTION ACTIVITY IS LOCATED; OR

17 B. PURCHASE CREDITS IN, ESTABLISH, OR MAINTAIN A
18 FOREST MITIGATION BANK IN THE COUNTY OR WATERSHED IN WHICH THE
19 CONSTRUCTION ACTIVITY IS LOCATED IN ACCORDANCE WITH DEPARTMENT
20 REGULATIONS.

21 (II) 1. THE FUND MAY NOT BE USED TO FINANCE
22 ADMINISTRATIVE ACTIVITIES ASSOCIATED WITH A MITIGATION BANK.

23 2. ANY CREDITS CREATED BY THE FUND MAY NOT BE SOLD
24 TO COMPENSATE FOR ADDITIONAL FOREST IMPACTS.

25 (III) 1. THE DEPARTMENT SHALL ACCOMPLISH THE
26 REFORESTATION FOR WHICH MONEY IS DEPOSITED IN THE FUND WITHIN 1 YEAR OR
27 TWO GROWING SEASONS AFTER PROJECT COMPLETION, AS APPROPRIATE.

28 2. MONEY DEPOSITED IN THE FUND UNDER SUBSECTION (D)
29 OF THIS SECTION SHALL REMAIN IN THE FUND FOR A PERIOD OF 1 YEAR OR TWO
30 GROWING SEASONS, AND AT THE END OF THAT TIME PERIOD, ANY PORTION THAT IS
31 NOT USED TO MEET THE REFORESTATION REQUIREMENTS SHALL BE RETURNED TO
32 THE CONSTRUCTING AGENCY.

33 (8) (I) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN
34 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
 2 ~~TRANSFERRED OR REVERT SHALL BE CREDITED~~ TO THE GENERAL FUND OF THE
 3 STATE, ~~BUT SHALL REMAIN IN THE FUND.~~

4 (9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
 5 ACCORDANCE WITH THE STATE BUDGET.

6 5-209.

7 (b) The Secretary shall promulgate rules and regulations regarding
 8 equipment standards and the operation of off-road vehicles by type, as defined in §
 9 10-410(d) of this article, on property owned or controlled by the Department. He shall
 10 conduct appropriate studies and, by January 1, 1975 he shall designate and identify
 11 areas for use by the general public for operation of motorcycles, snowmobiles and
 12 other off-road vehicles on that property exclusive of wildlife management areas or
 13 State fisheries management areas to the extent such use is compatible with the
 14 character and established uses of property controlled by the Department. Prior to
 15 March 31, 1976, every off-road vehicle to be used on Department of Natural
 16 Resources lands shall be registered and provided suitable identification by the
 17 Department of Natural Resources, which shall charge an annual uniform fee for all
 18 registrants, revenues derived from which shall be used to acquire and maintain areas
 19 for off-road vehicle use by the general public. ~~REVENUES FROM THE FEE ARE NOT~~
 20 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND ANY~~
 21 ~~INVESTMENT EARNINGS FROM THE REVENUES MAY NOT BE TRANSFERRED OR~~
 22 ~~REVERT ANY INVESTMENT EARNINGS DERIVED FROM THE REVENUES SHALL BE~~
 23 ~~CREDITED TO THE GENERAL FUND OF THE STATE. ANY UNSPENT PORTIONS OF THE~~
 24 ~~FUND AT THE END OF A FISCAL YEAR SHALL REVERT TO THE GENERAL FUND OF THE~~
 25 ~~STATE REVENUES FROM THE FEE ARE NOT SUBJECT TO § 7-302 OF THE STATE~~
 26 ~~FINANCE AND PROCUREMENT ARTICLE.~~ Any property to be acquired or designated for
 27 off-road vehicle use shall be subject to a public hearing held in the county or counties
 28 wherein the property is situated. However, no off-road vehicle may be permitted
 29 where its operation will damage the wildland character of the property or where the
 30 noise from its operation will be audible at or interfere with the use of a picnic or
 31 camping area open to public use.

32 5-212.

33 (A) IN THIS SECTION, "FUND" MEANS THE FOREST OR PARK RESERVE FUND.

34 (B) There is a Forest or Park Reserve Fund in the Department.

35 (C) THE PURPOSE OF THE FUND IS TO ENABLE THE DEPARTMENT TO
 36 PURCHASE AND MANAGE IN THE NAME OF THE STATE LANDS SUITABLE FOR FOREST
 37 CULTURE, RESERVES, WATERSHED PROTECTION, STATE PARKS, SCENIC PRESERVES,
 38 HISTORIC MONUMENTS, PARKWAYS, AND STATE RECREATIONAL RESERVES.

39 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

40 (E) ~~(1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT~~
 41 ~~TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

1 ~~(2)~~ (1) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND
2 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

3 (2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
4 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5 (F) THE FUND CONSISTS OF:

6 (1) Any money obtained from the State forest reserves, State parks,
7 scenic reserves, parkways, historic monuments, and recreation areas[, together with
8 any fine];

9 (2) REVENUE DISTRIBUTED TO THE FUND FROM FINES collected under §
10 5-1302 of this title[, shall be paid into the Fund]; AND

11 (3) REVENUE RECEIVED BY THE FUND UNDER § 5-207(B) OF THIS
12 SUBTITLE; ~~AND~~

13 ~~(4) ANY INVESTMENT EARNINGS OF THE FUND.~~

14 (G) [Each county in which any State forest or park reserve is located shall be
15 paid annually out of the Fund 15 percent of the revenue derived from the State forest
16 or park reserve located in that county. Each county in which the forest or park reserve
17 comprises 10 percent or more of the total land area of that county shall be paid
18 annually out of the Fund a sum equal to 25 percent of the revenues derived from the
19 State forest or park reserve located in that county.] THE FUND MAY BE USED ONLY
20 FOR:

21 (1) PURCHASING AND MANAGING IN THE NAME OF THE STATE LANDS
22 SUITABLE FOR FOREST CULTURE, RESERVES, WATERSHED PROTECTION, STATE
23 PARKS, SCENIC PRESERVES, HISTORIC MONUMENTS, PARKWAYS, AND STATE
24 RECREATIONAL RESERVES;

25 (2) ANNUAL PAYMENTS TO COUNTIES IN THE AMOUNT OF:

26 (I) IF THE STATE FOREST OR PARK RESERVE COMPRISES LESS
27 THAN 10% OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 15% OF THE
28 NET REVENUE DERIVED FROM THE STATE FOREST OR PARK RESERVE LOCATED IN
29 THAT COUNTY; AND

30 (II) IF THE STATE FOREST OR PARK RESERVE COMPRISES 10% OR
31 MORE OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 25% OF THE NET
32 REVENUE DERIVED FROM THE STATE FOREST OR PARK RESERVE LOCATED IN THAT
33 COUNTY.

34 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
35 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 (2) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
 2 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
 3 ~~REMAIN IN THE FUND~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

4 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
 5 WITH THE STATE BUDGET.

6 ~~(J) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR~~
 7 ~~SHALL REVERT TO THE GENERAL FUND OF THE STATE.~~

8 5-212.1.

9 (a) (1) In this section[, "concession operations"] THE FOLLOWING WORDS
 10 HAVE THE MEANINGS INDICATED.

11 (2) "ACCOUNT" MEANS THE FOREST OR PARK CONCESSION ACCOUNT.

12 (3) (I) "CONCESSION OPERATIONS" means activities within a State
 13 forest or park that:

14 [(i)] 1. Raise revenue;

15 [(ii)] 2. Function under a separate budget system; and

16 [(iii)] 3. Supplement the operation of the facility where it is
 17 located.

18 [(2)] (II) "Concession operations" includes:

19 [(i)] 1. Food concessions;

20 [(ii)] 2. Boat rentals;

21 [(iii)] 3. Gift shops;

22 [(iv)] 4. Marine sales;

23 [(v)] 5. Snack bars; and

24 [(vi)] 6. Camp stores.

25 (b) There is a Forest and Park Concession Account in the Department.

26 (C) THE PURPOSE OF THE ACCOUNT IS TO FINANCE:

27 (1) THE MAINTENANCE AND OPERATION OF CONCESSION OPERATIONS;

28 AND

29 (2) THE FUNCTIONS OF STATE FORESTS AND PARKS.

30 (D) THE DEPARTMENT SHALL ADMINISTER THE ACCOUNT.

1 (E) ~~(+)~~ ~~THE ACCOUNT IS A SPECIAL, NONLAPSING ACCOUNT THAT IS NOT~~
 2 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

3 ~~(2)~~ (1) THE TREASURER SHALL HOLD THE ACCOUNT SEPARATELY AND
 4 THE COMPTROLLER SHALL RECONCILE THE ACCOUNT.

5 (2) THE ACCOUNT IS A SPECIAL, NONLAPSING ACCOUNT THAT IS NOT
 6 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

7 [(c)] (F) [Any] THE ACCOUNT CONSISTS OF ANY money derived from
 8 concession operations [shall be paid into the Forest and Park Concession Account] IN
 9 STATE FORESTS AND PARKS ~~AND ANY INVESTMENT EARNINGS OF THE ACCOUNT.~~

10 [(d)] Each county in which any State forest or park is located shall be paid
 11 annually out of the Forest and Park Concession Account:

12 (1) If the State forest or park reserve comprises less than 10% of the total
 13 land area of the county, a sum equal to 15% of the net revenue derived from
 14 concession operations within a State forest or park located in that county; and

15 (2) If the State forest or park reserve comprises 10% or more of the total
 16 land area of the county, a sum equal to 25% of the net revenue derived from
 17 concession operations within a State forest or park located in that county.

18 (e)] (G) (1) Except as provided in [subsection (d) of this section]
 19 PARAGRAPH (2) OF THIS SUBSECTION, the [Forest and Park Concession] Account
 20 shall be used only for the:

21 [(1)] (I) Maintenance and operation of concession operations; and

22 [(2)] (II) Function of State forests and parks to the extent of the
 23 projected balance of the Account from the prior fiscal year.

24 (2) EACH COUNTY IN WHICH ANY STATE FOREST OR PARK IS LOCATED
 25 SHALL BE PAID ANNUALLY OUT OF THE ACCOUNT:

26 (I) IF THE STATE FOREST OR PARK RESERVE COMPRISES LESS
 27 THAN 10% OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 15% OF THE
 28 NET REVENUE DERIVED FROM CONCESSION OPERATIONS WITHIN A STATE FOREST
 29 OR PARK LOCATED IN THAT COUNTY; OR

30 (II) IF THE STATE FOREST OR PARK RESERVE COMPRISES 10% OR
 31 MORE OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 25% OF THE NET
 32 REVENUE DERIVED FROM CONCESSION OPERATIONS WITHIN A STATE FOREST OR
 33 PARK LOCATED IN THAT COUNTY.

34 (H) ~~(+)~~ (1) THE TREASURER SHALL INVEST THE MONEY OF THE ACCOUNT
 35 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 (2) ~~ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO~~
2 ~~THE GENERAL FUND OF THE STATE.~~

3 (2) ~~ANY INVESTMENT EARNINGS OF THE ACCOUNT MAY NOT BE~~
4 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
5 ~~REMAIN IN THE ACCOUNT.~~

6 [(f)] (I) (1) EXPENDITURES FROM THE ACCOUNT MAY BE MADE ONLY IN
7 ACCORDANCE WITH THE STATE BUDGET.

8 (2) The budget submitted by the Governor to the General Assembly shall
9 include the revenues and expenditures of the [Forest and Park Concession] Account
10 in the same detail as other special fund accounts administered by the Department.

11 ~~(j) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR~~
12 ~~SHALL REVERT TO THE GENERAL FUND OF THE STATE.~~

13 5-215.

14 (a) IN THIS SECTION, "FUND" MEANS THE DEEP CREEK LAKE RECREATION
15 MAINTENANCE AND MANAGEMENT FUND.

16 (B) There is a Deep Creek Lake Recreation Maintenance and Management
17 Fund in the Department for the maintenance and management of the land,
18 recreational facilities, and services that are related to Deep Creek Lake in Garrett
19 County.

20 [(b)] (C) (1) Except as provided in paragraph (2) of this subsection, the
21 Department shall pay all fees collected for boat launching at Deep Creek Lake State
22 Park, [and] all funds collected from lake and buffer use permits, contracts, grants,
23 and gifts as a result of the Deep Creek Lake management program, AND ANY
24 INVESTMENT EARNINGS OF THE FUND, into the [Deep Creek Lake Recreation
25 Maintenance and Management] Fund.

26 (2) At the end of each quarter of the fiscal year, the Department shall
27 pay 25% of the total revenue collected during the quarter under paragraph (1) of this
28 subsection to the Board of County Commissioners of Garrett County.

29 (3) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
30 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

31 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
32 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
33 REMAIN IN THE FUND.

34 [(c)] (D) Unless there is an agreement between the Secretary and the Deep
35 Creek Lake Policy and Review Board as to a proposed change, the fee for issuance and
36 processing of any permit covered under subsection [(b)] (C) of this section may not be
37 changed.

1 [(d)] (E) (1) Before the Department and the Deep Creek Lake Policy and
 2 Review Board may change any fee for the issuance and processing of any permit
 3 covered under subsection [(b)] (C) of this section, the Secretary shall hold a public
 4 hearing in Garrett County.

5 (2) Notice of the public hearing shall be published in two newspapers of
 6 general circulation in Garrett County at least 30 days before the hearing.

7 (3) The notice shall include the proposed change in the fee and the
 8 reason for the fee.

9 [(e)] (F) (1) A person may apply to the Department for a lake and buffer use
 10 permit.

11 (2) A person who is aggrieved by a decision of the Department to issue or
 12 deny a lake and buffer use permit may seek judicial review of the decision in
 13 accordance with Title 10, Subtitle 2 of the State Government Article.

14 5-307.

15 (a) IN THIS SECTION, "FUND" MEANS THE WOODLAND INCENTIVES FUND.

16 (B) There is a [special fund known as the] Woodland Incentives Fund IN THE
 17 DEPARTMENT.

18 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE WOODLAND INCENTIVES
 19 PROGRAM AND THE COST-SHARE ASSISTANCE ESTABLISHED UNDER THIS SUBTITLE.

20 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

21 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
 22 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
 24 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

25 [(b)] (F) The [Woodland Incentives] Fund [shall consist] CONSISTS of:

26 (1) As provided in § 13-306 of the Tax - Property Article, up to \$200,000
 27 annually of the proceeds of the tax imposed by § 13-302 of the Tax - Property Article
 28 that are attributable to the taxation of instruments of writing that transfer title to
 29 parcels of land that are entirely woodland; {and}

30 (2) Revenues collected by the Department from the payment of charges
 31 imposed for Department assistance in implementation of an approved practice; ~~AND~~

32 ~~(3) ANY INVESTMENT EARNINGS OF THE FUND.~~

33 [(c)] (G) The Department shall use the [Woodland Incentives] Fund to help
 34 fund the Woodland Incentives Program and the cost-share assistance [provided for
 35 in] ESTABLISHED UNDER this subtitle.

1 [(d) Any unexpended funds remaining in the Woodland Incentives Fund at the
2 end of the fiscal year may not revert to the General Fund of the State.]

3 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
4 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

5 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
6 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
7 ~~REMAIN IN THE FUND~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

8 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
9 WITH THE STATE BUDGET.

10 ~~(J) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR~~
11 ~~SHALL REVERT TO THE GENERAL FUND OF THE STATE.~~

12 5-908.

13 (A) IN THIS SECTION, "FUND" MEANS THE FAIR HILL IMPROVEMENT FUND.

14 (B) There is a Fair Hill Improvement Fund in the Department, to be used for
15 the operation, maintenance, development, and improvement of the Fair Hill facilities
16 at Fair Hill, Maryland.

17 (C) Any money obtained by the Department from Fair Hill shall be credited to
18 the [Fair Hill Improvement] Fund.

19 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
20 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

21 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
22 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
23 REMAIN IN THE FUND.

24 5-908.1.

25 (A) IN THIS SECTION, "FUND" MEANS THE SOMERS COVE MARINA
26 IMPROVEMENT FUND.

27 (B) There is a Somers Cove Marina Improvement Fund in the Department, to
28 be used for the operation, maintenance, development, and improvement of the Somers
29 Cove Marina facilities in Crisfield, Maryland.

30 (C) Any money obtained by the Department from Somers Cove Marina shall
31 be credited to the [Somers Cove Marina Improvement] Fund.

32 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
33 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
 2 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
 3 REMAIN IN THE FUND.

4 5-909.

5 (A) IN THIS SECTION, "FUND" MEANS THE NATURAL RESOURCES PROPERTY
 6 MAINTENANCE FUND.

7 (B) The Natural Resources Property Maintenance Fund is created within the
 8 Department to be used for the maintenance, repair, and management of property
 9 owned by the Department.

10 ~~(C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT~~
 11 ~~TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

12 ~~(C) (1) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL~~
 13 ~~YEAR SHALL REVERT TO THE GENERAL FUND OF THE STATE. THE FUND IS A~~
 14 ~~SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE~~
 15 ~~FINANCE AND PROCUREMENT ARTICLE.~~

16 (2) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
 17 ~~TRANSFERRED OR REVERT~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE
 18 STATE, ~~BUT SHALL REMAIN IN THE FUND.~~

19 5-1610.

20 (a) IN THIS SECTION, "FUND" MEANS THE FOREST CONSERVATION FUND.

21 (B) There is a Forest Conservation Fund in the Department.

22 [(b)] (C) Except as provided in subsection [(g)] (H) of this section, if any
 23 person subject to this subtitle demonstrates to the satisfaction of the appropriate
 24 State or local [authority,] AUTHORITY that the requirements for reforestation or
 25 afforestation on-site or off-site cannot be reasonably accomplished, the person shall
 26 contribute money at a rate of 10 cents per square foot of the area of required planting
 27 to the [Forest Conservation] Fund.

28 [(c)] (D) Money collected by the State or a local authority under § 5-1608(c) or
 29 § 5-1612 of this subtitle for noncompliance with this subtitle or regulations adopted
 30 under this [subtitle,] SUBTITLE or for noncompliance with a forest conservation plan
 31 or the associated 2-year management agreement, ~~AND ANY INVESTMENT EARNINGS~~
 32 ~~OF THE FUND,~~ shall be deposited in the [Forest Conservation] Fund.

33 [(d)] (E) (1) The Department shall accomplish the reforestation or
 34 afforestation for which the money is deposited within 2 years or 3 growing seasons, as
 35 appropriate, after receipt of the money.

36 (2) Money deposited in the [Forest Conservation] Fund under
 37 subsection [(b)] (C) of this section shall remain in the Fund for a period of 2 years or

1 3 growing seasons, and at the end of that time period, any portion that has not been
2 used to meet the afforestation or reforestation requirements shall be returned to the
3 person who provided the money to be used for documented tree planting in the same
4 county or watershed beyond that required by this subtitle or other applicable
5 statutes.

6 [(e)] (F) (1) (I) Money deposited in the Fund under subsection [(b)] (C) of
7 this section may only be spent on reforestation and afforestation, including site
8 identification, acquisition, and preparation, and may not revert to the General Fund
9 of the State.

10 (II) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
11 ~~TRANSFERRED OR REVERT SHALL BE CREDITED TO THE GENERAL FUND OF THE~~
12 ~~STATE, BUT SHALL REMAIN IN THE FUND.~~

13 (2) (i) Except as provided in subparagraph (ii) or (iii) of this
14 paragraph, the reforestation or afforestation requirement under this subsection shall
15 occur in the county and watershed in which the project is located.

16 (ii) If the reforestation or afforestation cannot be reasonably
17 accomplished in the county and watershed in which the project is located, then the
18 reforestation or afforestation shall occur in the county or watershed in the State in
19 which the project is located.

20 (iii) If the reforestation or afforestation cannot be reasonably
21 accomplished in the county or watershed in which the project is located, then the
22 reforestation or afforestation shall be accomplished through purchase of credits in,
23 establishment, or maintenance of a forest mitigation bank in accordance with
24 regulations of the Department. The Reforestation Fund may not be used to finance
25 administrative activities associated with a mitigation bank and any credits created by
26 the Reforestation Fund may not be sold to compensate for additional forest impacts.

27 [(f)] (G) Money deposited in the Fund under subsection [(c)] (D) of this
28 section may be used by the Department for the purpose of implementing this subtitle.

29 [(g)] (H) In lieu of a State Forest Conservation Fund, any local authority with
30 an approved forest conservation program may establish a forest conservation fund, to
31 be administered by the local authority, to allow a payment by any person who has
32 demonstrated to the satisfaction of the local authority that the requirements for
33 reforestation and afforestation on-site and off-site cannot be reasonably
34 accomplished. The rate shall be 10 cents per square foot of the area required to be
35 replanted.

36 [(h)] (I) Money deposited in the local forest conservation fund under
37 subsection [(g)] (H) of this section shall remain in the fund for a period of 2 years or
38 3 growing seasons. At the end of that time period, any portion that has not been used
39 to meet the afforestation or reforestation requirements shall be returned to the
40 person who provided the money to be used for documented tree planting in the same
41 county or watershed beyond that required by this subtitle or other applicable
42 statutes.

1 [(i)] (J) (1) ~~(H)~~ Money deposited in the local forest conservation fund under
 2 subsection [(g)] (H) of this section may only be spent on reforestation and
 3 afforestation, including the costs directly related to site identification, acquisition,
 4 prepurchase, and preparation, and may not revert to any other local general fund.

5 ~~(H) ANY INVESTMENT EARNINGS OF A LOCAL FOREST~~
 6 ~~CONSERVATION FUND MAY NOT BE TRANSFERRED OR REVERT SHALL BE CREDITED~~
 7 ~~TO ANY OTHER LOCAL GENERAL FUND, BUT SHALL REMAIN IN THE LOCAL FOREST~~
 8 ~~CONSERVATION FUND.~~

9 (2) (i) Except as provided in subparagraph (ii) or (iii) of this
 10 paragraph, the reforestation or afforestation requirement under this subsection shall
 11 occur in the county and watershed in which the project is located.

12 (ii) If the reforestation or afforestation cannot be reasonably
 13 accomplished in the county and watershed in which the project is located, then the
 14 reforestation or afforestation shall occur in the county or watershed in the State in
 15 which the project is located.

16 (iii) If the reforestation or afforestation cannot be reasonably
 17 accomplished in the county or watershed in which the project is located, then the
 18 reforestation or afforestation shall be accomplished through purchase of credits in,
 19 establishment, or maintenance of a forest mitigation bank in accordance with
 20 regulations of the local forest conservation program. The Reforestation Fund may not
 21 be used to finance administrative activities associated with a mitigation bank and
 22 any credits created by the Reforestation Fund may not be sold to compensate for
 23 additional forest impacts.

24 [(j)] (K) Money collected by the local authority under § 5-1608(c) of this
 25 subtitle for noncompliance with this subtitle or regulations or ordinances adopted
 26 under this subtitle for noncompliance with a forest conservation plan or the
 27 associated 2-year management agreement, ~~AND ANY INVESTMENT EARNINGS OF~~
 28 ~~THE LOCAL FOREST CONSERVATION FUND~~, shall be deposited in the local fund. The
 29 rate shall be 30 cents per square foot of the area found to be in noncompliance with
 30 the required forest conservation.

31 [(k)] (L) Money deposited in a local forest conservation fund under subsection
 32 [(j)] (K) of this section may be used by the local authority for purposes related to
 33 implementing this subtitle.

34 8-723.

35 [(a) Any fee and other revenue the Department collects under authority of this
 36 subtitle, and any other available income, shall be deposited in the State Treasury and
 37 used exclusively for the administration, functions, and objectives of this subtitle.
 38 These funds are credited to the Department.

39 (b) The Department may use the funds credited to its accounts to purchase,
 40 rent, and operate any equipment necessary to accomplish the purposes of this
 41 subtitle, within budgetary limitations.

1 (c) Subject to available income, the Department may employ necessary
2 personnel subject to the provisions of the State Personnel and Pensions Article.]

3 (A) IN THIS SECTION, "FUND" MEANS THE STATE BOAT ACT FUND.

4 (B) THERE IS A STATE BOAT ACT FUND IN THE DEPARTMENT.

5 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

6 (D) (1) ~~THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT IS~~
7 ~~NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

8 ~~(2)~~ (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
9 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

10 ~~(3)~~ (2) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
11 MANNER AS OTHER STATE FUNDS.

12 (3) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
13 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (E) UNLESS OTHERWISE PROVIDED, THE FUND CONSISTS OF:

15 (1) EXCEPT AS PROVIDED IN § 8-716(H) OF THIS SUBTITLE, MONEYS
16 RECEIVED FROM ANY FEE AND OTHER REVENUE THE DEPARTMENT COLLECTS
17 UNDER AUTHORITY OF THIS SUBTITLE;

18 (2) ~~ANY INVESTMENT EARNINGS GENERATED BY THE FUND;~~

19 ~~(3)~~ (3) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

20 ~~(4)~~ (4) ANY MONEYS RECEIVED AND ACCEPTED AS GIFTS,
21 CONTRIBUTIONS, OR GRANTS.

22 (F) THE DEPARTMENT SHALL USE THE FUND:

23 (1) FOR THE ADMINISTRATION OF THIS SUBTITLE; AND

24 (2) TO COVER THE COSTS OF FULFILLING THE DUTIES AND
25 RESPONSIBILITIES OF THE DEPARTMENT UNDER THIS TITLE.

26 (G) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE
27 GENERAL FUND OF THE STATE.

28 [(d)] ~~(G)~~ (H) Within the limits of funds available, the Department may enter
29 into any agreement with the federal government, any municipality or other political
30 subdivision of the State, or any private agency to share the cost of any development,
31 construction, or improvement of waterways or of facilities determined to have
32 beneficial value to the boating public.

1 ~~(H)~~ (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
2 ACCORDANCE WITH THE STATE BUDGET.

3 ~~(J)~~ ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR
4 SHALL REVERT TO THE GENERAL FUND OF THE STATE.

5 8-1005.

6 (a) (1) There is a "Shore Erosion Control Construction Loan Fund". The
7 Department shall administer the Fund to provide interest-free loans or grants to
8 persons, municipalities, or counties for design and construction of shore erosion
9 control projects. The Fund shall be maintained by:

10 (i) Repayments of principal on loans made from the Fund, with the
11 repayments made through a benefit charge the State levies on privately owned
12 property benefited by shore erosion control projects. The benefit charge shall
13 compensate the State for net project construction cost. The benefit charge shall be
14 levied at a uniform rate over a period not exceeding 25 years;

15 (ii) Repayment of administrative costs under § 8-1004 of this
16 subtitle; {and}

17 (iii) ~~ANY INVESTMENT EARNINGS GENERATED BY THE FUND; AND~~

18 ~~(IV)~~ Annual appropriation of funds to restore the Fund to a level
19 sufficient to carry out an effective shore erosion control construction loan program
20 during the succeeding year.

21 ~~(2)~~ ~~(I)~~ ~~THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
22 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

23 (2) (I) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A
24 FISCAL YEAR SHALL REVERT TO THE GENERAL FUND OF THE STATE. THE FUND IS A
25 SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE
26 FINANCE AND PROCUREMENT ARTICLE.

27 (II) ~~ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE~~
28 ~~TRANSFERRED OR REVERT SHALL BE CREDITED TO THE GENERAL FUND OF THE~~
29 ~~STATE, BUT SHALL REMAIN IN THE FUND.~~

30 (3) A property owner whose project is approved is eligible to receive an
31 interest-free loan covering 100% of the first \$60,000 of project construction cost, 50%
32 of the next \$20,000 of project construction cost, 25% of the next \$20,000 of project
33 construction cost, and 10% of the part of construction cost exceeding \$100,000.
34 However, where 2 or more property owners are included within a shore erosion
35 control project, the land of each property owner is considered a separate shore erosion
36 project for the purpose of computing net project construction cost under this formula.

37 (b) During the first month of each fiscal year, the Department shall submit to
38 the Department of Budget and Management:

1 (1) An estimate of the amount of revenues the Fund expects to receive
2 from repayment of outstanding loans; and

3 (2) The amount of funds required to reestablish an adequate balance in
4 the Fund to make loans during the next fiscal year.

5 (c) If it appears reasonably likely that funds will be available for an approved
6 shore erosion control project, the Department shall develop complete plans,
7 specifications, and all information necessary to solicit firm bids for construction of the
8 project. After selection of a contractor, in accordance with normal competitive bidding
9 procedures, the Department shall advise the property owner of the estimated cost for
10 the completion of all work. The property owner then may elect to abandon the project,
11 and forfeit any initial deposit required under the regulations of the Department.

12 (d) (1) If, after completion of the procedures required under subsection (c) of
13 this section, the property owner decides to proceed with the project, the provisions of
14 this subsection shall apply.

15 (2) The property owner shall execute a written notice to proceed, on a
16 form provided by the Department, and shall pay any property owner's cash
17 contribution required under this subtitle. This action shall constitute an irrevocable
18 commitment by the property owner to completion of the project in accordance with the
19 provisions of this subtitle, including authorization for the Department to incur costs
20 up to 10% in excess of the estimated cost above.

21 (3) Any excess costs within the 10% limit may not act to increase the
22 property owner's cash contribution, but shall be included in the net project
23 construction cost for purposes of assessing benefit charges at the conclusion of the
24 project.

25 (4) The Department at this time shall cause a notice of lien to be
26 recorded among the land records of the county where the benefited property is
27 located. The notice generally shall describe the provisions of § 8-1006 of this subtitle
28 regarding lien priority and the assumption of liability by a purchaser of a benefited
29 property.

30 (5) The Department shall award a construction contract for the project,
31 shall supervise actual construction work, and shall make reasonable efforts to ensure
32 that the project is completed in accordance with all specifications and in a manner
33 that conforms to normal industry practice. In this regard, the Department alone shall
34 be responsible, in its own discretion, for negotiating any changes in the construction
35 contract and for determining when the project is satisfactorily complete in all
36 respects.

37 (6) On completion of the project, the Department shall:

38 (i) Endorse any property owner's cash contribution to the credit of
39 the contractor; and

40 (ii) Pay the balance due the contractor from the Fund.

1 (7) Within 30 days of completion of the project, the Department shall
2 certify to the Board of Public Works the net project construction cost. The Board of
3 Public Works shall levy a benefit charge in accordance with the provisions of § 8-1006
4 of this subtitle.

5 (e) Costs to maintain shore erosion control projects are the sole responsibility
6 of the benefited property owner. The Department periodically shall inspect these
7 projects to recommend to the property owner any measures required to maintain the
8 project.

9 (f) Any county or any municipal corporation may borrow interest-free funds
10 from the Fund for any approved project without the project construction cost
11 limitation stated in this section. The county or municipal corporation shall repay the
12 funds at a uniform rate over a period not exceeding 25 years as stated by agreement
13 between the State and county or municipal corporation.

14 (g) The Department shall include in its budget a request for funds necessary
15 to provide and maintain shore erosion protection for State-owned properties.

16 ~~(H) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR~~
17 ~~SHALL REVERT TO THE GENERAL FUND OF THE STATE.~~

18 10-209.

19 [There is a State Wildlife Management and Protection Fund in the Department.
20 Any money accruing to the Fund from any license, stamp, application, or permit fee
21 provided in this title shall be credited, unless otherwise provided, to this Fund and
22 used only for the scientific investigation, protection, propagation, and management of
23 wildlife.]

24 (A) IN THIS SECTION, "FUND" MEANS THE STATE WILDLIFE MANAGEMENT
25 AND PROTECTION FUND.

26 (B) THERE IS A STATE WILDLIFE MANAGEMENT AND PROTECTION FUND IN
27 THE DEPARTMENT.

28 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE SCIENTIFIC
29 INVESTIGATION, PROTECTION, PROPAGATION, AND MANAGEMENT OF WILDLIFE.

30 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

31 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
32 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

33 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
34 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

35 (F) THE FUND CONSISTS OF:

1 (1) ANY MONEY RECEIVED FOR A LICENSE, STAMP, APPLICATION, OR
2 PERMIT FEE UNDER THIS TITLE, UNLESS OTHERWISE PROVIDED; AND

3 (2) ANY INVESTMENT EARNINGS OF THE FUND.

4 (G) THE FUND MAY BE USED FOR THE SCIENTIFIC INVESTIGATION,
5 PROTECTION, PROPAGATION, AND MANAGEMENT OF WILDLIFE.

6 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
7 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

8 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
9 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
10 REMAIN IN THE FUND.

11 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
12 WITH THE STATE BUDGET.

13 10-301.

14 (n) (1) IN THIS SUBSECTION, "FUND" MEANS THE UPLAND WILDLIFE
15 HABITAT FUND.

16 (2) There is an Upland Wildlife Habitat Fund in the Department.

17 (3) THE PURPOSE OF THE FUND IS TO FACILITATE THE
18 IMPLEMENTATION AND MANAGEMENT OF UPLAND HABITAT PROGRAMS.

19 (4) THE DEPARTMENT SHALL ADMINISTER THE FUND.

20 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
21 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (II) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND
23 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 [(2)] (6) The Fund consists of:

25 (i) Voluntary contributions made to the [Upland Wildlife Habitat]
26 Fund at the time of purchase of a hunting license under this section; [and]

27 (ii) Any other donations made to the Fund; AND

28 (III) ANY INVESTMENT EARNINGS OF THE FUND.

29 [(3)] The Secretary shall administer the Fund.

30 (4) The Fund may be used only as provided in this subsection.

31 (5) The Fund is a special, nonlapsing fund that is not subject to § 7-302
32 of the State Finance and Procurement Article.

1 (6) The Fund shall be invested and reinvested in the same manner as
2 other State funds. Any investment earnings of the Fund may not be transferred or
3 revert back to the General Fund, but shall remain in the Fund to be used for purposes
4 specified in this subsection.]

5 (7) (I) [The Secretary shall use the Fund to] THE FUND MAY BE USED
6 ONLY FOR:

7 [(i)] 1. [Provide] PROVIDING cost-share assistance to
8 landowners for planting upland wildlife habitat;

9 [(ii)] 2. [Provide] PROVIDING matching funds to acquire grant
10 funding for upland wildlife habitat programs;

11 [(iii)] 3. [Hire] HIRING contractual staff to implement upland
12 wildlife habitat programs in the State; and

13 [(iv)] 4. [Promote] PROMOTING the [Upland Wildlife Habitat]
14 Fund and upland wildlife habitat programs.

15 [(8)] (II) The Secretary may prioritize the duties under [paragraph (7) of
16 this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH to maximize the
17 effectiveness of upland wildlife habitat programs.

18 [(9)] (III) A designated person who sells hunting licenses under this
19 section and who also collects donations for the [Upland Wildlife Habitat] Fund may
20 retain as compensation 10% of each donation the person receives.

21 (8) (I) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN
22 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

23 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
24 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
25 REMAIN IN THE FUND.

26 (9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
27 ACCORDANCE WITH THE STATE BUDGET.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2004.